1944

File No. Ports II/44

Legal Department

B **BRANCH**

Subject:– Rules and Notifications under the Indian Ports Act 1908

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Office of the R.L.A.

The draft rules at pages 5-6 as slightly amended are in order.

2. It is presumed that the limits of the port of Vesawa have been duly declared by a notification under section 5 of the Indian Ports Act, 1908.

Sd/-
Remembrancer of Legal Affairs,

U.R. to R.D., No. 1228, dated 15th February 1944.

EVI. 6/7/

Office of the R.L.A.

The Indian Ports Act, 1908, extends to the Ports mentioned in the first Schedule to the Act (the Ports in the Bombay Presidency have been given in Part III of the said Schedule). The Bombay Minor Ports Passengers Vessels Rules made under section 6 of the Act and published in G.N. R.D. No. 1661/39, dated the 18th July 1941 would apply to all vessels while they are plying within the limits of the minor ports as defined by Government from time to time and not to vessels while they are sailing outside the limits of the minor ports.

The first amendment seeks to insert a note under rule 12 of the said rules in order to restrict the number of passengers carried by a vessel when sailing beyond the limits of a minor port. The second amendment seeks to add a proviso to rule 15 of the said rules in order to require a vessel when sailing beyond the limits of a minor port to carry specified life saving equipment. The third amendment seeks to add a proviso to rule 17 of the said rules in order to prescribe the kind of lights to be shown by a vessel when sailing beyond the limits of a minor port. The proposed amendments are not legally feasible. If it is intended to draw the attention of masters of vessels to the requirements when sailing beyond the limits of a minor port prescribed by section 149(2) of the Merchant Shipping Act, 1923, the Indian Merchant Shipping (Lifesaving Appliances) Rules, 1934 and Her Majesty's order in Council dated the 27th November 1896 ("New Regulations for Preventing Collisions at Sea"), this may be done by executive instructions, or by the addition of non-statutory foot-notes either in the Bombay Minor Ports Passenger Vessels Rules or in the Licenses issued under rule 5 of those rules.

P.T.O.

Sd/-

Remembrancer of Legal Affairs.

U.R. to R.D., No. 1553, dated the 29th February 1944.

EVY. 6/7.

Office of the R.L.A.

In order to take power to appoint more thar five officials on the Haj Committee, it would, as pointed out by the Government of India, be necessary to frame a separate rule under section 5 of the Port Haj Committees Act, 1932, for it is that section which gives power to the Government to make rules altering the composition of the Haj Committee. Since rube 39 of the Port Haj Committees Rules is made m under section 10 of the Act it will not be possible to amend that rule to achieve the object in view.

2. A revised draft rule removing the limitations on the number of officials to be appointed under section 4(2)(a) of the Act is sent herewith.

Sd/-

Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 7419, dated the 27th October 1944.

EVY. 6/7.

NOTIFICATION.

Political and Services Department.

Bombay Castle, 1944.

Port Haj Committees Act, 1932.

Nos. S. 20/2:- The following draft of a notification which the Government of Bombay Proposes to issue in exercise of the functions of the Central Government under section 5 of the Port Haj Committees Act, 1932 (XX of 1932), entrusted to the Government of Bombay by Government of India Notification in the Department of Education, Health and Lands, No. F. 149-33/36-G, dated the 30th March 1938, is published as requred by sub-section (1) of section 23 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....*..... 1944.

To be file in.

2. Any objection or suggestion which may be received by the Chief Secretary to the Government of Bombay in the Political and Services Deepartment from any person with respect to the said draft on or before the date aforesaid will be considered by the Government of Bombay.

Draft Notification.

In exercise of the functions of the Central Government under section 5 of the Port Haj Committees Act, 1932 (XX of 1932), entrusted to the Government of Bombay by Government of India Notification in the Department of Education, Health and Lands, No. F-149-33 36-G, dated the 30th March 1938, the Government of Bombay is pleased to make the following rule, namely:-

RULE.

"Notwithstanding clause (a) of sub-section (2) of section 4 of the Port Haj Committees Act, 1932(XX of 1932), officials nominated under the afforesaid clause may m exceed five".

P.T.O.

By order of the Governor of Bombay,

Chief Secretary to Government.

EVY. 6/7.